



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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2019

April 30, 2019

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Lisa Fernandez
Fox KTVU News
Via email only: Lisa.Fernandez@foxtv.com

Dear Ms. Fernandez,

This letter is in further response to your California Public Records Act requests, as the result of the implementation of Senate Bill 1421, dated and received in our Office on the following dates:

1. January 22, 2019, for records related to reports, investigations, or findings under Senate Bill 1421.
2. April 2, 2019, for video footage taken at Santa Rita jail, as noted on page 89 of the June 27, 2016, Internal Affairs Report CA IA2014-036.
3. April 9, 2019, for video footage and/or recordings on the following individuals:
 - Officer Nilan Pianta
 - Officer Joseph Mateu
 - Officer Johannes Mehserle
 - All sustained findings by the Office of the Independent Police Auditor (OIPA) in 2017 and 2018.

On February 1, 2019, you were sent documents from the OIPA responsive to the fourth bullet point in your request above.

On February 15, 2019, we provided you with an index of SB1421 cases that were under review for prohibited disclosures. On March 8th, you were sent a copy of BART Police Internal Affairs Case No. 2014-019, and on March 22nd, you were sent a CD containing the report on BART Police Internal Affairs Case No. 2014-036.

The attached documents are reports on BART Police Case No. 0901-0027 and BART Police Case No. 1701-1572. As noted previously, exempt information has been redacted pursuant to Government Code section 6254(f), as amended by Penal Code sections 832.7(b)(5)(B) and (b)(5)(A). The District's determination that these redacted portions of these documents are exempt from disclosure has been made on the advice of Sterling Routson-Thomas, Attorney, in the Office of the General Counsel.

Lisa Fernandez
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In addition to written records, the District has video records of several of the cases listed on the index of SB 1421 cases (attached). Staff has been evaluating methods to review these video files and redact exempt information. BART does not have the technology nor the manpower to perform this work. Our research into this matter reveals that this work can be performed by outside vendors. However, the cost ranges from \$25 to \$40 per minute.

All BART Police Officers are equipped with body cameras, and there are many cases which also have video captured from in-station or on-train cameras. For example, the case with the fewest video files comprises in excess of 50 hours of video. Government Code section 6253.9(b)(2) indicates that a requester shall bear the cost of services necessary to produce a copy of a record when the request requires data extraction.

Please review the attached index and advise for which, if any, of the cases you would be willing to bear the costs of audio/video review and redaction, keeping in mind the charges cited above. Additionally, please advise if you would be willing to bear the costs of review and redaction for the video footage taken at Santa Rita jail, as noted in your request above. It may be more efficient for you to request records from Santa Rita jail for this portion of your request.

Once we receive notification of which video(s) you would like to have redacted and copied, we will provide you with an estimate of the cost prior to proceeding with the work.

As previously noted, the District is endeavoring to comply as swiftly as possible with the changes enacted by SB 1421 to Penal Code Section 832.7 while preserving the safety and privacy of those protected by the statute. The District estimates that the next set of documents will be available by May 14, 2019.

Again, thank you for your patience.

Sincerely,



Patricia K. Williams
District Secretary

Attachments

Cc: Legal Department
Police Department
Office of External Affairs
Office of the Independent Police Auditor